



The Comptroller General
of the United States

Washington, D.C. 20548

Kirkpatrick

Decision

Matter of: Gary M. Sudhoff - Real Estate Expenses

File: B-227786

Date: March 10, 1988

DIGEST

An employee is not entitled to real estate selling expenses upon his transfer to a new duty station when the home that was sold was not located at his old duty station and he did not regularly commute between the home and his place of work, as travel regulations require.

DECISION

This decision holds that Mr. Gary M. Sudhoff, an employee of the United States Customs Service, is not entitled to real estate selling expenses for the sale of his home, since it was not located at his old duty station.^{1/}

Mr. Sudhoff first reported for duty on November 17, 1986, at Tucson, Arizona. On November 20, 1986, he was sent to Glynco, Georgia, to attend the Federal Law Enforcement Training Center. On December 2, 1986, he was informed that he would be transferred to Corpus Christi, Texas. In March 1987 he completed his training at Glynco and returned to his duty station in Tucson. He reported to Corpus Christi in June 1987. Mr. Sudhoff's wife and children remained in the family home at Orange Park, Florida. Apparently, at the time he was transferred from Tucson to Corpus Christi, his family left Florida and joined him at his new duty station in Corpus Christi.

He sold the Orange Park home in February 1987 and claimed real estate selling expenses. The U.S. Customs Service denied the claim, since the home was not located at his old duty station in Tucson.

^{1/} Virginia M. Cummings, Acting Chief, Travel Section, National Finance Center, United States Customs Service, Department of the Treasury, requested our decision.

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Under the provisions of 5 U.S.C. § 5724a (1982) and the Federal Travel Regulations, paragraph 2-6.1 (Supp. 4, August 23, 1982), incorp. by ref., 41 C.F.R. § 101-7.003 (1986), an employee may be reimbursed for expenses incurred in the sale of one residence at his or her old official station. The term "official station" is defined in FTR paragraph 2-1.4 to mean the "building or other place where the officer or employee regularly reports for duty" and for the purpose of real estate and certain other relocation expenses "also means the residence or other quarters from which the employee regularly commutes to and from work." Since the Orange Park, Florida, home was not in the vicinity of Mr. Sudhoff's old duty station in Tucson and he did not regularly commute to and from that home and his place of work, the home did not qualify for real estate selling expenses. See William T. Cook, B-217518, July 23, 1985.

The fact that at the time of his employment in Tucson Mr. Sudhoff did not relocate his family, does not afford a basis for reimbursing his expenses for selling his Florida home. Accordingly, his claim must be denied.

for 
Comptroller General
of the United States